

REMARKS/ARGUMENTS

The present Amendment is in response to the Final Office Action having a mailing date of September 22, 2005. Claims 7-9, 11-18, and 20-22 are pending in the present Application. Applicant has amended claims 7-9 and 13-14. Consequently, claims 7-9, 11-18, and 20-22 remain pending in the present application.

Applicant has amended claims 7-9 and 13-14 to remove the alphanumeric designations for the steps. This amendment is seen by Applicant as broadening or cosmetic, and as such, is not subject to the prosecution history estoppel imposed by Festo. For the record, Applicant points out that the Supreme Court in Festo noted that a cosmetic amendment would not narrow the patent's scope and thus would not raise the estoppel bar. Applicant respectfully submits that no new matter added and that no new search is required.

Applicant thanks the Examiner for agreeing to and participating in a telephone interview for the present application on November 12, 2005. Applicant notes that in the telephone interview, the Examiner agreed that, as argued below, U.S. Patent No. 6,262,789 does not qualify as a prior art reference. In addition, although the Examiner and Applicant discussed U.S. Patent No. 5,270,831 in view of U.S. Patent No. 6,084,990, the Examiner and Applicant did not reach agreement.

This application is under Final Rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the Amendment to clarify issues upon appeal.

In the above-identified Office Action, the Examiner also rejected claims 7-9, 11, 12, 15-18, and 20 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,262,789 (Anderson).

Applicant respectfully traverses the Examiner's rejection. Independent claim 7 recites a method for correcting an aspect ratio of an image. The method recited in claim 7 includes determining whether the aspect ratio of the image matches a predetermined aspect ratio. If the aspect ratio of the image does not match a predetermined aspect ratio, then claim 7 recites cropping the image. Claim 15 recites an analogous system. Thus, an upright image of the appropriate size can be provided to the display of the digital camera.

First, Applicant notes that the present application is a continuation of U.S. Patent Application Serial No. 08/891,424 filed on July 9, 1997, issued as U.S. Patent No. 5,973,734. Anderson has a filing date of July 31, 1997. Thus, the present application has a filing date prior to Anderson. Consequently, the priority date of the present application is earlier than that of Anderson. Accordingly, Applicant respectfully submits that claims 7 and 15 are allowable over Anderson.

Claims 8-9, 11, and 12 depend upon independent claim 1. Claims 16-18 and 20 depend upon independent claim 15. Consequently, the arguments herein apply with full force to claims 8-9, 11-12, 16-18, and 20. Accordingly Applicant respectfully submits that claims 8-9, 11-12, 16-18, and 20 are allowable over Anderson II.

In the above-identified Office Action, the Examiner rejected claims 7-9, 11-18, and 21-22 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,270,831 (Parulski) in view of U.S. Patent No. 6,084,990 (Suzuki).

Applicant respectfully traverses the Examiner's rejection. Claim 7 recites a method for correcting an aspect ratio of an image. The method recited in claim 7 is for a digital camera and includes rotating the image so that the image appears upright on the display of the image capture device and determining whether the aspect ratio of the image matches a predetermined aspect ratio.

Claim 7 also recites cropping the image if the aspect ratio of the image does not match a predetermined aspect ratio, thereby providing a cropped image. The method of claim 7 provides the possibly rotated and cropped image to the display on the image capture unit. Claim 15 recites an analogous system. Thus, an upright image of the appropriate size can be provided to the display of the digital camera. Consequently, performance of the digital camera is improved.

Parulski in view of Suzuki fails teach or suggest the method and system recited in claims 7 and 15, respectively. In particular, Parulski in view of Suzuki fails to teach or suggest rotating the image to be upright on the display of the digital camera and providing the image to a display on the digital camera. As discussed previously, Parulski describes a system that converts film images to digital images. Parulski, col. 2, lines 46-51. As the images are scanned and digitized, a user enters control codes that indicate the orientation of the film image as well as the aspect ratio of the image. Parulski, col. 2, line 67-col. 3, line 1 and col. 5, lines 63-67. Thus, the completed image file includes the image data and the control codes entered by the user. To display the image, the data is provided to a playback device. Once the file for the image is provided to the playback device, the playback device can display the image upright. Parulski, col. 2, line 59-col. 3, line.

Suzuki describes a scanner that includes a display. Suzuki, Abstract. However, Suzuki specifically states that "the back face of the display face is arranged so as to contact the back face of the read face, an operator can confirm the image to be read, whereby the image can be read with certainty." Suzuki, Abstract, lines 11-15. See also, Suzuki, col. 1, lines 63-65; col. 2, lines 1-8; and col. 5, lines 20-25. Thus, the system of Suzuki effectively exposes the portion of the content actually being scanned by the scanner. This allows a user to check the content being scanned as the content is scanned.

If the teachings of Suzuki were added to those of Parulski, the combination might add the display in accordance with the teachings of Suzuki to the system of Parulski. Thus, the display of Suzuki might be placed opposite the scanner of Parulski so that a user can check the content as it is being scanned. However, the combination would still simply allow a user to view the content as input to the scanner. In other words, the display of Suzuki would function as if the display was a window to the content being scanned. The display of Suzuki would not be used to view content that was previously input. Consequently, the combination would not rotate the image on the scanner to appear upright. The user would still have to enter the orientation of the image for the control codes. Then, a separate, playback device according to the teachings of Parulski might be used to display the images in the desired orientation. Consequently, Parulski in view of Suzuki fails to teach or suggest rotating the image to be upright on the display of the digital camera and providing the image to a display on the digital camera. Accordingly, Applicant respectfully submits that claims 7 and 15 are allowable over the cited references.


Claims 8-9 depend upon independent claim 7. Claims 16-17 depend upon independent claim 15. Consequently, the arguments herein apply with full force to claims 8-9 and 16-17. Accordingly, Applicant respectfully submits that claims 8-9 and 16-17 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date


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